

### **REMARKS**

Claims 1-7 and 9-37 are pending. Applicants have amended claim 1 to include the recitations “wherein the first release means and the at least one further release means are mechanically coupled together, thereby enabling simultaneous delivery of medicament from each dispenser in response to a single patient actuation step.” Support for this amendment can be found throughout the specification, particularly at page 10, line 29 through page 11, line 2.

Applicants have canceled claims 23-37 without prejudice to pursuing the subject matter of these claims in one or more continuing applications.

Applicants respond to each of the Action’s rejections in the order in which they are presented in the Action.

#### **I. Section 102 Rejections Overcome**

Claims 1-7, 9, 10, 23 and 37 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,234,167 to Cox. Applicants respectfully traverse these rejections.

Applicants have amended claim 1 to recite a medicament dispenser device for use in the delivery of a multi-component combination medicament product, the device comprising, *inter alia*,

at least one further release means for releasing the contents of each at least one further medicament container for delivery thereof, wherein the first release means and the at least one further release means are mechanically coupled together, thereby enabling simultaneous delivery of medicament from each dispenser in response to a single patient actuation step . . . .

The recitation of “release means [that] are mechanically coupled together, thereby enabling simultaneous delivery of medicament from each dispenser in response to a single patient actuation step” is a structural difference between the claimed invention and Cox, which patentably distinguishes the claimed invention from this reference. For at least this reason, Applicants respectfully submit that Cox does not disclose or suggest a medicament dispenser device as recited in amended claim 1.

Moreover, Applicants respectfully submit that Cox teaches away from the instantly claimed invention by describing valves (*i.e.*, release means) wherein “[i]f

desired or necessary, the valve 35 and the valve 135 can be opened and closed at different times.” See, Cox, col. 8, lines 64-66. This teaching indicates that the valve 35 and the valve 135 are not mechanically coupled together, such that when valve 35 is open, valve 135 is necessarily open and when valve 35 is shut, valve 135 is necessarily shut. None of the Cox Figures depict a device wherein the two valves are mechanically coupled together. Accordingly, Cox fails to disclose or suggest all of the elements of claim 1 and therefore does not anticipate the claimed invention. Withdrawal of the §102(b) rejection of claim 1 and all claims that depend therefrom is respectfully requested on this basis. Applicants expressly reserve the right to argue the separate patentability of one or more of these dependent claims at a future date.

## **II. Section 103(a) Rejection Overcome**

Claims 11-22 and 24-36 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cox in view of U.S. Patent No. 6,559,168 to Marfat *et al.* The Office Action states that Cox teaches the device, but does not expressly disclose the recited medicaments. The Office Action concludes that the medicaments were well known at the time of the invention and that Marfat discloses all of the medicaments. Applicants respectfully traverse this rejection.

As pointed out above, Cox neither discloses nor suggests Applicants’ claimed device. Marfat does not overcome the deficiencies of Cox. Specifically, Marfat neither discloses nor suggests a device comprising a first release means and at least one further release means wherein the first release means and the further release means are mechanically coupled together. The combination of Cox and Marfat still does not disclose or suggest all of the elements of the claimed invention, particularly the first and further release means mechanically coupled together. Accordingly, the instantly claimed invention is patentable over the combination of the cited references, and withdrawal of this rejection is respectfully requested. Applicants expressly reserve the right to argue the separate patentability of the dependent claims at a future date.

### **III. Conclusion**

For at least the foregoing reasons, Applicants respectfully submit that this application is in condition for allowance and respectfully request the issuance of a Notice of Allowance forthwith. Should the Examiner have any concerns regarding the foregoing, Applicants encourage the Examiner to contact the undersigned, who may be reached at (919) 483-9024.

Respectfully submitted,

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